

**FENWICK & WEST LLP**

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August 22, 2008

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**VIA HAND DELIVERY**

The Honorable Susan Illston  
USDC, Northern District of California  
450 Golden Gate Avenue .  
San Francisco, CA 94102

Re: *Joby Photo, Inc. v. Tocad America, Inc.*  
Case No. 3:07-CV-06455 (SI)

Dear Judge Illston:

We write on behalf of both of the parties to this action, to ask that the Court enter two agreed-upon orders in this matter.

On July 25, 2008 the parties participated in a settlement conference with Magistrate Judge Chen and on that date the case settled. (*See* Dkt. 89.) As part of the settlement on that date, the parties agreed that a consent judgment would be entered. The parties also agreed to a dismissal with prejudice, with each party bearing its own fees and costs, and to ask that the Court retain jurisdiction for a limited period of time to enforce the settlement agreement.

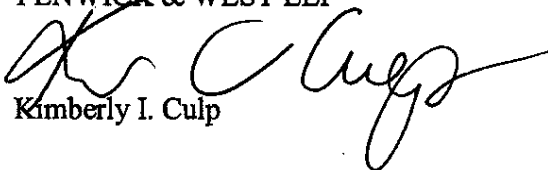
Accordingly, we write to ask the Court vacate its order dismissing the case (Dkt. 91), entered on August 13, 2008, for the purpose of first entering the enclosed agreed-upon Consent Judgment. We further ask that after the Court has entered the Consent Judgment, that it then enter the proposed dismissal order contained in the enclosed Stipulation for Dismissal and Proposed Order.

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Counsel for Tocad has assented to this request.


Sincerely,

FENWICK & WEST LLP

  
Kimberly I. Culp

I have reviewed the above and agree to its contents:

PERKINS COIE LLP



Michael O. Warnecke

Attorneys for Defendant  
TOCAD AMERICA, INC.

KIC:mg  
Enclosures

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